UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LOCALS 302 AND 612 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS CONSTRUCTION INDUSTRY HEALTH AND SECURITY FUND; LOCALS 302 AND 612 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS-EMPLOYERS CONSTRUCTION INDUSTRY RETIREMENT FUND; ALASKA OPERATING ENGINEERS-EMPLOYERS TRAINING TRUST FUND; and LOCAL 302 INTERNATIONAL UNION OF OPERATING ENGINEERS, Plaintiffs, v. ALASKA INDUSTRIAL LLC, an Alaska limited liability company, Defendant.	NO. COMPLAINT TO COLLECT TRUST FUNDS AND UNION DUES

COUNT ONE

Plaintiff Operating Engineers-Employers Welfare, Pension, and Training Trust Funds allege:

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I.

They are unincorporated associations operating as Trust Funds pursuant to Section 302 of the Labor Management Relations Act of 1947, as amended, under the respective names of Locals 302 and 612 of the International Union of Operating Engineers-Construction Industry Health & Security Fund, Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Fund, and Alaska Operating Engineers-Employers Training Fund, to provide medical, retirement, and training benefits to eligible participants. Plaintiffs' offices are located in King County, Washington.

II.

The Court has jurisdiction over the subject matter of this action under Section 502 (e)(1) and (f) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1132 (e)(1) and (f) and under Section 301 (a) of the Taft-Hartley Act, 29 U.S.C. §185 (a).

III.

Venue is proper in this district under Section 502 (e)(2) of ERISA, 29 U.S.C. §1132 (e)(2), because Plaintiff Trusts are administered in this district.

IV.

Defendant is an Alaska limited liability company.

V.

Defendant is bound to a collective bargaining agreement with Local 302 of the International Union of Operating Engineers (hereinafter "Local"), under which

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Defendant is required to promptly and fully report for and pay monthly contributions to the Plaintiff Trusts at varying, specified rates for each hour of compensation Defendant pays to its employees who are members of the bargaining unit represented by the Local (such bargaining unit members are any of Defendant's part time or full time employees who perform any work task covered by the Defendant's labor contract with the Local, whether or not those employees actually join the Local).

VI.

Defendant accepted Plaintiffs' respective Agreements and Declarations of Trust and thereby agreed to pay to each of Plaintiff Trusts liquidated damages equal to twelve percent (12%) of all delinquent and delinquently paid contributions, or $25.00 per month, whichever sums are greater, and twelve percent (12%) annual interest accruing upon each monthly contribution delinquency from the first day thereof until fully paid, as well as all attorneys fees and costs, including audit expenses if applicable, which Plaintiffs incur in collection of Defendant's unpaid obligations.

VII.

Since the 1st day of October 2016, Defendant failed to promptly report for and/or pay to Plaintiff Trusts all amounts due them, as hereinabove set forth, for work performed by Defendant's employees, and only Defendant's records contain the detailed information necessary to an exact determination of the extent of Defendant's unpaid obligations.

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COUNT TWO

Plaintiff, Local 302 of the International Union of Operating Engineers (hereinafter "Local"), alleges:

I.

It is a labor organization with its principal offices in King County and brings this action pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended.

II.

Defendant is an Alaska limited liability company.

III.

Defendant entered into an agreement with the Local, whereunder Defendant agreed to deduct from the periodic paychecks of its employees who are represented by the Local, specified amounts for each hour of compensation Defendant pays to those employees and to remit the total thus deducted each month to the Plaintiff Local no later than the fifteenth (15th) of the month immediately following the month in which such deductions were made.

IV.

Since the 1st day of October 2016, Defendant failed to promptly report for and/or pay to the Local the total sum deducted from the periodic paychecks of Defendant's employees who are represented by the Local.

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WHEREFORE, Plaintiffs pray the Court as follows:

1. That the Defendant be compelled to render a monthly accounting to the Plaintiffs' attorneys and set forth in it the names and respective social security numbers of each of the Defendant's employees who are members of the bargaining unit represented by the Local, together with the total monthly hours for which the Defendant's compensated each of them, for the employment period commencing October 2016 to the date of service of this Complaint to Collect Trust Funds and Union Dues, and for whatever amounts may thereafter accrue.

2. That plaintiff Trust Funds be granted judgment against Defendant under **COUNT ONE** for:

   a. All delinquent contributions due;

   b. All liquidated damages and pre-judgment interest due;

   c. All attorneys fees and costs incurred by Plaintiffs in connection with Defendant's unpaid obligations; and

   d. Such other and further relief as the court may deem just and equitable.

3. That Plaintiff Trusts be granted judgment against Defendant under **COUNT TWO** for:

   a. All amounts owing to it by the Defendant; and

   b. Such other and further relief as the court may deem just and equitable.

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DATED this 19th day of December, 2016.

REID, McCARTHY, BALLEW & LEAHY, L.L.P.

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